

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration

49 CFR Parts 171, 172, 174 and 177

[Docket Nos. HM-181, and HM-189, Amdt.
Nos. 171-111, 172-123, 174-68 and 177-
78]

Hazardous Materials Regulations;
Editorial Corrections

AGENCY: Research and Special Programs
Administration (RSPA), DOT.

ACTION: Final rule; corrections.

SUMMARY: This document makes certain editorial corrections to a final rule which corrected editorial errors and made minor regulatory changes to the Hazardous Materials Regulations (HMR). This action is necessary to reduce misunderstandings of the HMR. The intended effect is to promote accuracy of the HMR. These amendments are minor editorial changes which will not impose any new requirements on persons subject to the HMR.

EFFECTIVE DATE: October 1, 1992.

FOR FURTHER INFORMATION CONTACT:

John Gale or Beth Romo, telephone (202) 366-4488, Office of Hazardous Materials Standards, or Charles Hochman, telephone (202) 366-4545, Office of Hazardous Materials Technology, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

Background

A final rule was published on October 1, 1992 under Dockets HM-181 and HM-189 [57 FR 45446] which made editorial and technical corrections to 49 CFR parts 107-180. This document corrects editorial errors in the October 1, 1992 final rule.

The definition for "non-bulk packaging" in § 171.8 is corrected by restoring the quantity limits for liquids as "450 L (119 gallons) or less" and for solids "400 kg (882 pounds) or less." The "non-bulk packaging" definition in the October 1, 1992 final rule does not include the actual quantities of "450 L"

or "400 kg"; therefore, those quantities do not fall in either the "bulk" or "non-bulk" packaging definition. Also, in (3), the water capacity of a receptacle for a gas is revised to read "454 kg or less", in place of "greater than 454 kg (1000 pounds) or less", which is contradictory.

The October 1, 1992 final rule amended certain entries in the § 172.101 Hazardous Materials Table. Item "m." of the amendatory language, for the entry "Carbon monoxide", stated that the Column (8C) reference "302" was revised to read "314, 315", when in fact the Column (8C) reference to be revised was "None". However, RSPA subsequently has determined that the pre-October 1, 1992 entry for Carbon monoxide is correct, and the "None" in Column (8C) should not be revised.

In the § 172.101 Table amendments, item "dd." of the amendatory language added Special Provision B47 in Column (7) for two entries, "Nitric acid mixtures with not more than 50 percent nitric acid" and "Nitric acid mixtures with 50 percent or more nitric acid". This was not correct. Special Provision B47 should apply to "Nitric acid other than red fuming with more than 70 percent nitric acid" and "Nitric acid other than red fuming, with not more than 70 percent nitric acid". This document amends the entries for nitric acid mixtures by removing Special Provision B47. For the aforementioned nitric acid entries, Special Provision B47 is added in Column (7).

The section-by-section review in the October 1, 1992 final rule stated that a domestic entry for "vinyl chloride" was being added to the § 172.101 Table, but this addition was inadvertently omitted from the amendments to the Table. A domestic entry for "Vinyl chloride" is added to the Table in this document.

An exception to permit the use of hat shaped or open channel stiffening rings on carbon steel cargo tanks used to transport asphalt and liquid tar was

inadvertently omitted in Special Provision B13 in § 172.102. This exception from the circumferential reinforcement requirements of § 178.345-7(d)(5) is added in this document.

This document also clarifies a domestic exception provided for Class 9 placards. The October 1, 1992 final rule amended § 172.504 by adding an exception in paragraph (f)(9) for the display of a Class 9 placard in domestic transportation if a bulk package is marked with the appropriate identification number on an orange panel or a white square-on-point display configuration. RSPA has received several inquiries as to whether this provision precludes the use of the identification numbers on a Class 9 placard. RSPA did not intend to preclude use of the Class 9 placard for display of identification numbers as permitted under § 172.332. Therefore, § 172.504(f)(9) is revised to clarify that a Class 9 placard may be used, but is not required.

The Segregation Table, which appears in §§ 174.81 and 177.848, is editorially revised to add an "O" at the intersection of the row entitled "Oxidizers" and the column entitled "3". This revision was discussed in the section review of the October 1, 1992 final rule, but was not included in the regulatory text amendments of §§ 174.81 and 177.848.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR chapter I is amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1805, 1808, 1815, 1813; 49 CFR Part 1.

§ 171.8 [Amended]

2. In § 171.8, for the definition "Non-bulk packaging", the following changes are made:

a. In paragraphs (1) and (2), the wording "less than 450 L (119 gallons)" is revised to read "of 450 L (119 gallons) or less".

b. In paragraph (2), the wording "less than 400 kg (882 pounds)" is revised to read "of 400 kg (882 pounds) or less".

c. In paragraph (3), the wording "greater than 454 kg (1000 pounds) or less" is revised to read "of 454 kg (1000 pounds) or less".

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

3. The authority citation for part 172 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, and 1808; 49 CFR part 1, unless otherwise noted.

4. In § 172.101, in the Hazardous Materials Table, the following entry is added in appropriate alphabetical sequence:

§ 172.101 HAZARDOUS MATERIALS TABLE

Sym- bols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	Packing group	Label(s) required (if not excepted)	Special provisions	(8) Packaging authorizations (§ 173.***)			(9) Quantity limitations		(10) Vessel stowage requirements	
							Excep- tions	Nonbulk packaging	Bulk packaging	Passenger aircraft or rail car	Cargo air- craft only	Vessel stowage	Other stow- age provi- sions
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)

[Add.]

§ 172.101 HAZARDOUS MATERIALS TABLE—Continued

Sym- bols	Hazardous ma- terials descrip- tions and prop- er shipping names	Hazard class or division	Identifica- tion No.	Packaging group	Label(s) re- quired (if not ex- pected)	Special provisions	(8) Packaging authorizations (§ 173 * * *)			(9) Quantity limitations		(10) Vessel stowage require- ments	
							Excep- tions	Nonbulk packaging	Bulk packaging	Passenger aircraft or rail car	Cargo air- craft only	Vessel stowage	Other stow- age provi- sions
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
D	Vinyl chloride ..	2.1	NA1086	Flammable gas.	21, 644	305	304	314, 315	Forbidden .	150 kg	B	40

§ 172.101 [Amended]

5. In addition, in the § 172.101 Table, the following changes are made:

a. For the entry "Carbon monoxide", in Column (8B), "314, 315" is revised to read "302" and Column (8C) should continue to read "None".

b. For the entries "Nitrating acid mixtures with not more than 50 per cent nitric acid" and "Nitrating acid mixtures with 50 per cent or more nitric acid", in Column (7), Special Provision "B47," is removed.

c. For the entries "Nitric acid other than red fuming with more than 70 percent nitric acid" and "Nitric acid other than red fuming, with not more than 70 percent nitric acid", in Column (7), Special Provision "B47," is added in appropriate alpha-numeric order.

§ 172.102 [Amended]

6. In § 172.102, in paragraph (c)(3), in Special Provision B13, the wording "178.345-7(d)(5), circumferential reinforcements," is added to paragraph b. immediately following "from §§".

§ 172.504 [Amended]

7. In § 172.504, in paragraph (f)(9), in the second sentence, the wording "marked on each side and each end with the appropriate identification number displayed on an orange panel or a white-square-on-point display configuration are required by subpart D of this part." is revised to read "marked with the appropriate identification number displayed on a Class 9 placard, an orange panel or a white-square-on-point display configuration as required by subpart D of this part."

PART 174—CARRIAGE BY RAIL

8. The authority citation for part 174 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e), 1.53, App. A to part 1.

§ 174.81 [Amended]

9. In § 174.81, in the Segregation Table in paragraph (d), in the entry for "Oxidizers—5.1", the letter "O" is added in the column titled "3".

PART 177—CARRIAGE BY PUBLIC HIGHWAY

10. The authority citation for part 177 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805; 49 CFR part 1.

§ 177.848 [Amended]

11. In § 177.848, in the Segregation Table in paragraph (d), in the entry for "Oxidizers—5.1", the letter "O" is added in the column titled "3".

Issued in Washington, DC, on December 4, 1992, under authority delegated in 49 CFR part 1.

Douglas B. Ham,

Acting Administrator, Research and Special Programs Administration.

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